

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES WHITE,

Plaintiff,

vs.

ALEXANDER WALZ, et al.,

Defendants.

Case No. 2:12-cv-00197-GMN-NJK

REPORT AND RECOMMENDATION
FOR DISMISSAL

Plaintiff Charles White is proceeding in this action pro se. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis and submitted a Complaint on February 7, 2012. *See* Docket No. 1. This proceeding is referred to this Court by Local Rule IB 1-9. This matter is before the Court on Plaintiff's failure to comply with the Court's Order. Docket No. 6. Plaintiff filed an incomplete Application to Proceed In Forma Pauperis on February 7, 2012. Docket No. 1. The Court could not determine whether Plaintiff qualified to proceed in forma pauperis. On February 12, 2013, the Court entered an Order denying Plaintiff's Application without prejudice, directing the Clerk of Court to mail Plaintiff a new application, and allowing Plaintiff to file a completed application or pay the \$350 filing fee by March 15, 2013. *See* Docket No. 6. The Order advised Plaintiff that failure to comply would result in a recommendation to the District Judge for dismissal. Plaintiff has not complied or requested an extension of time in which to comply.

The Court further notes that the Order issued by the Court at Docket No. 6 was mailed to Plaintiff at the address on the docket, but was returned as undeliverable. Docket No. 7. Hence, it

1 also appears that Plaintiff has failed to provide written notice to the Court of a change of address, as
2 required by Local Special Rule 2-2.

3 Accordingly,

4 **IT IS RECOMMENDED** that Plaintiff's Application to Proceed In Forma Pauperis be
5 DENIED and this action be DISMISSED without prejudice to the Plaintiff's ability to commence a
6 new action in which he either pays the appropriate filing fee in full or submits a completed
7 application to proceed in forma pauperis.

8 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment
9 accordingly.

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11 **NOTICE**

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after
14 being served with these findings and recommendations, any party may file written objections with
15 the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the
16 findings and recommendations of a magistrate judge shall file and serve *specific written objections*
17 together with points and authorities in support of those objections, within fourteen days of the date
18 of service of the findings and recommendations. The document should be captioned "Objections to
19 Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file
20 objections within the specified time may waive the right to appeal the District Court's Order.
21 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the
22 specific written objections are subject to the page limitations found in LR 7-4.

23 IT IS SO ORDERED.

24 DATED: March 19, 2013

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28 NANCY J. KOPPE
United States Magistrate Judge